

**The Highland Licensing Board**

**Meeting – 1 October 2019**

Agenda Item	<b>10.8</b>
Report No	<b>HLB/097/19</b>

**Application for a major variation of premises licence under the Licensing (Scotland) Act 2005**

**Portree Knitwear, 11 Wentworth Street, Portree, Isle of Skye, IV51 9EJ**

**Report by the Clerk to the Licensing Board**

**Summary**

This report relates to an application for a major variation of premises licence by Edinburgh Woollen Mill Limited, Waverley Mills, Langholm, DG13 0EB.

**1.0 Description of premises**

1.1 The premises are a Scottish tourist store trading on ground, mezzanine and first floor levels. Its main business is the retail sale of a wide range of goods, including clothing, woollens, gifts and tourist items. It also sells a small range of liquor products aimed at the gift/tourist market.

**2.0 Current operating hours**

2.1 The premises currently enjoys the following operating hours:

**Off sales:**

Monday to Saturday: 1000 hours to 1800 hours  
Sunday: 1230 hours to 1600 hours

**3.0 Summary of variation application**

**3.1 Variation sought**

The applicant seeks to vary the premises licence as follows:-

- (1) At Q3 amend opening time for off sales from 1230 hours to 1000 hours on a Sunday and amend the terminal hour for off sales to 2200 hours Monday to Sunday;
- (2) At Q4 change from Yes to No so that the premises will not operate according to seasonal demand;

- (3) At Q5(b) amend to introduce permission for club and other group meetings both during and outwith licensed hours;
- (4) At Q5(c) amend to introduce permission for live performances both during and outwith licensed hours;
- (5) At the box detailing column 4 delete current wording and insert the following wording: “the premises may be used for various activities as noted above outwith core licensing hours. During this time the activities may be provided but no alcohol will be sold outwith the core licensed hours”;
- (6) At Q5(f) delete the current wording and insert the following wording: “the retail sale of a wide range of goods including clothing, woollens, shoes, golf equipment, household items etc. Retail sales may take place within and outwith core licensed hours. Tastings will take place. Santa’s grotto may be available throughout the months of November and December”.

#### **4.0 Background**

- 4.1 On 26 July 2019 the Licensing Board received an application for a major variation of a premises licence from Edinburgh Woollen Mill Limited.
- 4.2 The application was publicised during the period 15 August 2019 until 5 September 2019 and confirmation that the site notice was displayed has been received.
- 4.3 In accordance with standard procedure, Police Scotland, the Scottish Fire and Rescue Service and the Council’s Community Services (Environmental Health) and Planning and Building Standards were consulted on the application.
- 4.4 Notification of the application was also sent to NHS Highland and the local Community Council.
- 4.5 Further to this publication and consultation process, no timeous objections or representations have been received.
- 4.6 The applicant must nevertheless be given the opportunity to be heard before the Board determines the application and has accordingly been invited to the meeting. The applicant has been advised of the hearings procedure which may also be viewed via the following link:

[http://highland.gov.uk/hlb\\_hearings](http://highland.gov.uk/hlb_hearings)

#### **5.0 Legislation**

- 5.1 The Licensing Board must in considering and determining the application, consider whether any grounds of refusal apply and if none of them applies, the Board must grant the application.

Relevant grounds of refusal may be: -

1. the grant of the application will be inconsistent with one or more of the licensing objectives;
2. having regard to (i) the nature of the activities carried on or proposed to be carried on in the subject premises, (ii) the location, character and condition of the premises, and (iii) the persons likely to frequent the premises, the Board considers the premises are unsuitable for use for the sale of alcohol in accordance with the proposed variation;
3. that the Board considers that, if the application were to be granted, there would, as a result, be overprovision of licensed premises, or licensed premises of the same or similar description as the subject premises, in the locality.

5.2 For the purposes of the Act, the licensing objectives are-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children and young persons from harm.

5.3 The Board only has power either to grant the application and make a variation of the conditions to which the licence is subject or to refuse the application.

5.4 If the Board refuses the application, the Board must specify the ground for refusal and if the ground for refusal relates to a licensing objective, the Board must specify the objective in question.

## **6.0 Licensing Standards Officer**

6.1 The LSO has provided the following comments:-

- (i) Portree Knitwear, 11 Wentworth Street, Portree, Isle of Skye is a typical Scottish tourist store trading on ground, mezzanine and first floors, which sells alcohol by way of off sales. It is situated on a main thoroughfare just off the main square in Portree, Isle of Skye.
- (ii) The main trade is the sale of Scottish themed clothing and gifts; malt whisky and other Scottish alcohol produce compliment the range to offer an all-round tourist experience.
- (iii) The premises have a trouble free operating history and compliance visits by the LSO have revealed the premises being run correctly according to the terms of their alcohol premises licence.

- (iv) The premises have sought to modernise their existing licence in order to meet heavy demands of the tourist trade with more flexibility.
- (v) Sunday hours are requested to commence from 1000 hours with a terminal hour requested to be amended to 2200 hours. This is in line with off sales allowed for in the Licensing (Scotland) Act 2005.
- (vi) The capacity for seasonal variations is no longer required.
- (vii) The operating plan at 5(b) is asked to be amended so as to introduce the permission for club or other group meetings both during and outwith licensed hours.
- (viii) They have also sought a change at 5(c) in relation to allowing recorded music during and out with licensed hours as well as allowing live performances similarly during and outwith licensed hours.
- (ix) At the box detailing column 4 entries they have asked that the wording as detailed is included:-

“the retail sale of a wide range of goods including clothing, woollens, shoes, golf equipment, household items etc. Retail sales may take place within and outwith core licensed hours. Tastings will take place. Santa’s grotto may be available throughout the months of November and December”.

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- (x) The LSO has reviewed the amended operating plan and is of the opinion that it is compliant with the licensing objectives.
- (xi) Following the public consultation phase of this application no objections or observations have been received.

## **7.0 HLB local policies**

7.1 The following policies are relevant to the application:-

- (1) Highland Licensing Board Policy Statement 2018-23
- (2) Highland Licensing Board Equality Strategy

## **8.0 Conditions**

### **8.1 Mandatory conditions**

If the application is approved the mandatory conditions set out in Schedule 3 of the Act will apply.

### **8.2 Local conditions**

There are no existing local conditions and it is not considered necessary to attach any.

### **8.3 Special conditions**

No special conditions are considered necessary.

## **Recommendation**

The Board is invited to determine the above application.

If the Board is minded to refuse the application, the Board must specify the ground for refusal and if the ground for refusal is in relation to a licensing objective, the Board must specify the objective in question.

Reference: HC/RSL/1281  
Date: 17 September 2019  
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